

*Protecting Your Right
To Know:*

**The Kentucky
Open Records and
Open Meetings Acts**

Office of the Attorney General
Jack Conway, Attorney General

January 2008

Protecting Your Right To Know provides basic information about Kentucky's Open Records and Open Meetings Laws. The Attorney General provides this booklet to assist the citizens of Kentucky in understanding their right of access to records and meetings under the Open Records and Open Meetings Laws.

An annotated outline containing references to statutes, court opinions, and prior decisions of the Attorney General is available upon request. This outline provides information regarding the application of the Open Records and Open Meetings Laws to particular situations.

The Office of the Attorney General welcomes suggestions for improvements to this work, as well as ideas for future publications. Comments may be sent to Attorney General's Office, 700 Capital Avenue, Capitol Building, Suite 118, Frankfort, Kentucky 40601.

Please visit our website, <http://ag.ky.gov>, for more information about the Office of the Attorney General and the Open Records and Open Meetings Laws.

Published by the Office of the Attorney General

First printing August 1993
Revised May 2007

Printing paid for with state funds.

The Office of the Attorney General does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

TABLE OF CONTENTS

The Open Records Act	1
What are public records?	1
What is the procedure for inspecting a public record?	2
What records are exempt from public inspection?	4
What you can do if your request is denied	6
The Open Meetings Act	8
What is a public meeting?	8
What are the rules governing open meetings?	10
What subjects may be discussed in a closed session?	11
What you can do if you believe an agency has violated the Open Meetings Act	13
Sample Forms	15
Sample open records request	15
Sample open records appeal	16
Sample open meetings complaint	17
Sample open meetings appeal	18
Other Sources of Useful Information	19

The Open Records and Open Meetings Acts

Protecting your right to know

Kentucky's laws on open records and open meetings insure your right to know how your government operates. It is important that you understand your rights under those laws. This brochure provides an overview of the Open Records and Open Meetings Acts, and is designed to aid you in understanding your rights. It contains a description of the general requirements of the laws, the procedures you must follow in using them, the exceptions that may be invoked in appropriate circumstances, and the role of the Attorney General in interpretation and enforcement. Please note that the italicized and bulleted text reflects the courts' and the Attorney General's interpretation of the Acts. Because the Attorney General's Office acts as an impartial tribunal in open records and open meetings appeals, we cannot advise you in particular cases. The following information should, however, prove useful to you in protecting your right to know.

The Open Records Act

In 1976, the General Assembly enacted the Open Records Act, KRS 61.870 to KRS 61.884, which establishes a right of access to public records. The General Assembly recognized that free and open examination of public records is in the public interest. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records are exempted by one or more of the fourteen exemptions found in the Act. You may inspect any nonexempt public record regardless of your identity, and you may seek enforcement of the Act if you are denied this right.

What are public records?

The Open Records Act applies to public records maintained by state and local government agencies. The agencies covered by the Act include:

- State and local government officers, departments, and legislative bodies;
- County and city governing bodies, school district boards, special district boards, and municipal corporations;
- State or local government agencies created by statute or other legislative acts;

- Bodies that receive at least 25% of their funds from state or local authority;
- An entity where the majority of its governing body is appointed by a public agency;
- Boards, commissions, committees, etc., that are established, created, and controlled by public agencies; and
- Interagency bodies of two or more public agencies.

Subject to fourteen exceptions, records that are prepared, owned, used, possessed, or retained by a public agency are public records, and must be made available upon request.

- *The term “public records” includes all such records even if they are not subject to inspection under an exemption and therefore not “open records.”*
- *The term “public record” includes emails, databases, and other records electronically generated and/or stored.*
- *The term “public record” may include public agency records that are not maintained on the agency’s premises.*

What is the procedure for inspecting a public record?

To inspect a public record, you may be required to make a written request to the official custodian of the records of the agency. The custodian is the agency employee who is responsible for maintaining the agency records. You should describe the records you want to inspect, sign the request, and print your name on it. You may hand-deliver, mail, or fax your request to the agency.

If you request copies of public records, the agency’s copying charges must be limited to the actual cost of reproduction, including material and mechanical reproduction cost, but not including the cost of personnel required to copy the records. Requesters who intend to use the records for a commercial purpose, as that term is defined in the statute, may be required to pay a higher copying charge.

The public agency must respond to your request, in writing, and within three days, not including Saturdays, Sundays, and legal holidays. If the agency denies all or any part of your request, it must tell you which Open Records Act exemption it is relying on. The agency must also explain how the exemption applies to the record.

If the record that you want to inspect is in use or temporarily unavailable, the agency should notify you, in writing, and designate a place, time, and date for inspection no more than three days from the date it received your request. If the delay is greater than three days, the agency must give you a detailed explanation of the cause for the additional delay, in writing, and tell you the earliest date the records will be available.

You may inspect public records during the regular office hours of a public agency or by receiving copies of the records through the mail. If you live or work outside the county in which the records are located, and you precisely describe the records, the public agency must mail copies to you. The agency may require advance payment of the copying fee and postage. In providing you with copies, the agency is not required to convert records from paper to electronic format, but if the agency maintains the records in electronic format, you have the option to choose to receive the records in paper or electronic format.

- *You must be permitted to conduct onsite inspection of the records if you wish to do so, even if the agency prefers to mail you copies.*
- *You must be permitted to conduct onsite inspection of the records during the agency's regular office hours, and the agency cannot restrict your hours of access.*
- *The agency may require you to conduct an onsite inspection, before receiving copies, if you live or have your principal place of business in the county where the records are located and/or if you fail to precisely describe the records.*
- *You must request records, not information. An agency is not required to honor a request for information. An agency must honor a request for an existing public record that contains the information you seek unless the requested records are exempt.*

Wrong: *How much are the city's employee's paid?*

Right: *Please provide me with copies of the city's current payroll records.*

- *The agency may provide you with a preprinted open records form, but you cannot be required to use it. Your request must be accepted if it is in writing, describes the records you wish to inspect or obtain copies of, and contains your signature and your name printed legibly on it.*

- *Do not submit your request by email. Agencies are not required to honor emailed requests. Submit your request by U.S. Mail, fax, or hand-delivery.*
- *The agency's three day response time begins to run the day after it receives your request.*
- *If your purpose in requesting records is noncommercial, the agency may only charge you ten cents per page for copies of standard size paper records.*
- *You cannot be charged for inspecting records.*

What records are exempt from public inspection?

The Open Records Act permits a public agency to withhold certain records from you unless you obtain a court order directing their release. These include:

- (a) Records containing information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (b) Records confidentially disclosed to an agency and compiled and maintained for scientific research;
- (c) Records that are confidentially disclosed to an agency or required by the agency to be disclosed to it which are generally recognized as confidential or proprietary and which if disclosed would permit an unfair commercial advantage to competitors, including records which are compiled and maintained in conjunction with an application for or the administration of a loan or grant; the application for or the regulation of assessments, incentives, inducements, or tax credits; or the regulation of a commercial enterprise;
- (d) Records that relate to the prospective location of a business or industry which has not previously disclosed that it is interested in locating, relocating, or expanding in Kentucky;
- (e) Records developed by an agency in conjunction with the regulation or supervision of financial institutions which reveal the agency's internal examining or audit criteria;

- (f) Real estate appraisals, engineering or feasibility estimates, and evaluations made by or for a public agency in the course of acquiring property, until all of the property has been acquired;
 - (g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;
 - (h) Records of law enforcement agencies or agencies involved in administrative adjudication if disclosure of the records would harm the agency by premature release. Such records may be inspected after enforcement action is completed or a decision is made to take no action, unless they were compiled and maintained by a county or commonwealth's attorney or unless another exception applies;
 - (i) and (j) Preliminary documents, including drafts, notes, correspondence with private individuals, recommendations, and memoranda in which opinions are expressed or policies formulated;
 - (k) and (l) Public records that are prohibited from disclosure by state or federal law;
 - (m) Records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, as defined in the exemption, and limited to eight precisely described categories of records;
 - (n) Records having historic, literary, artistic, or commemorative value that are accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency if nondisclosure is requested in writing by the donor or depositor.
- *Public agencies cannot withhold a public record because it contains both protected and unprotected information. Agencies must mask the protected information and release the unprotected information to you.*

- *If you are a public agency employee, you may inspect any record that relates to you, even if the record is otherwise exempt, unless the record you request is part of an ongoing criminal or administrative investigation by the agency, the record is an examination, or the record is made confidential by federal or state law.*
- *Records of the courts and judicial agencies, and records of the General Assembly, are not subject to the Open Records Act. Commonwealth's and county attorney's litigation records are permanently protected from public inspection, but these officials must still respond to your request and provide you with nonlitigation records that are not protected (for example, contracts, payroll records, time sheets, travel vouchers).*

What you can do if your request is denied

If your request is denied, you may file an appeal with the Attorney General for review of the agency's actions. Your appeal must consist of a copy of your written request, a copy of the agency's written denial, if available, and, if you wish, a letter of appeal describing the circumstances of the appeal. Unless you are an inmate confined in a jail or correctional facility who is aggrieved by a denial issued by the Department of Corrections, you may bypass the Attorney General's Office and file your appeal in circuit court. If you choose to go directly to circuit court, you will incur the costs of bringing a lawsuit, including filing fees and your attorney's fee.

The Attorney General will review your appeal and issue a decision within twenty business days, or, in unusual circumstances, fifty business days. The decision will state whether the agency violated the Open Records Act by denying your request. You will receive a copy of the decision along with the agency. You or the public agency may appeal the Attorney General's decision to the circuit court of the county where the agency has its principal place of business or where the record is maintained. The Attorney General should be notified of any circuit court action, but may not be named as a party in the action.

If an appeal is not filed within thirty days, the Attorney General's decision has the force and effect of law and can be enforced in circuit court. However, the Attorney General does not have authority to force an agency to release records or otherwise enforce the decision after it is issued.

If you prevail against an agency in circuit court, you may be awarded costs, including reasonable attorney fees, if the court finds that the records were willfully withheld. The court may also award you up to \$25 for each day that you were denied the right to inspect the records.

- *The Attorney General will not consider your appeal if it does not include a copy of your written request and the agency's written denial, if the agency issued a denial.*
- *Upon receipt of your open records appeal, the Attorney General will issue notification of the appeal to you and the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General; the agency must send you a copy of its response.*
- *Because the Open Records Act provides for judicial review of the issues in an appeal, the Attorney General will not reconsider an open records decision.*
- *The Attorney General will not consider an appeal if the requested documents are released to you after your appeal is filed but before an open records decision is rendered.*
- *The Attorney General will consider an appeal based on the allegation that the public agency "subverted the intent of the Act short of denial of inspection;" this includes appeals based on the imposition of excessive copying fees.*
- *Since 1992, open records decisions have been designated ORDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation "Not to be Published" that appears in ORDs issued from 1992 to 1999 does not mean that you cannot cite the ORD or make it public; such ORDs carry the same weight as ORDs designated "To be Published."*
- *The Attorney General's role in open records appeals is to issue a decision stating whether the public agency violated the Open Records Act; the Attorney General cannot enforce his decision by imposing penalties.*
- *If you are dissatisfied with an ORD, you may appeal the decision within thirty days; if you do not appeal the decision, the decision has the force and effect of law.*

The Open Meetings Act

In 1974, the General Assembly enacted the Open Meetings Act, KRS 61.800 to KRS 61.850, which establishes a right of access to public meetings. The General Assembly recognized that the formation of public policy is public business, and should not be conducted in secret. The Act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action is taken must be public meetings. Public meetings must be open to the public at all times, unless the subject of the meeting falls within one or more of the thirteen exceptions found in the statute. You may attend any public meeting, and you cannot be required to identify yourself in order to attend.

What is a public meeting?

The Open Meetings Act applies to public meetings held by state and local government agencies. The agencies covered by the Act include:

- State and local government boards, commissions, and authorities;
- State and local legislative boards, commissions, and committees;
- County and city governing bodies, councils, school district boards, special district boards, and municipal corporations;
- State and local government agencies, including policymaking boards of educational institutions, that are created by state or local statute or other legislative act;
- Bodies created by state or local statute or legislative act in the legislative or executive branch of government;
- An entity where the majority of its governing body is appointed by a public agency;
- Boards, commissions, committees, subcommittees, etc., which are established, created, and controlled by a public agency;
- Interagency bodies of two or more public agencies.

Subject to thirteen exemptions, all gatherings of a quorum of the members of a public agency at which public business is discussed or action is taken are

public meetings and must be open to the public, regardless of where they are held and regardless of whether they are regular, special, informational, or casual gatherings held in anticipation of a regular or special meeting. An agency's meetings may be conducted by video teleconference, which is defined as a meeting occurring in two or more locations where individuals can see and hear each other by means of video and audio equipment, but cannot be conducted by telephone.

- *The courts have stated that the Open Meetings Act must be "interpreted most favorably to the public" since "failure to comply with the strict letter of the law in conducting meetings violates the public good."*
- *The Open Meetings Act applies to meetings of a quorum of the members of a public agency at which public business is discussed or action is taken; a discussion of public business by a quorum of the agency's members triggers the requirements of the Act even if no action is taken.*
- *The definition of "public agency" under the Open Meetings Act is narrower than the definition of "public agency" under the Open Records Act and does not include "state and local government officers" and bodies which receive "at least 25% of their funds from state or local authority funds;" this means for example, that the mayor of a city is a public agency for open records purposes but not for open meetings purposes.*
- *A committee of a public agency, even if its function is purely advisory, is a public agency for open meetings purposes and a quorum of its members is calculated on the basis of the committee's membership and not the membership of the public agency that created it (the city commission, consisting of five members, creates a budget committee consisting of three members – a quorum of the commission exists if three members are present and a quorum of the committee exists if two members are present); the committee must comply with all requirements of the Act.*
- *A work session and a retreat are public meetings under the Open Meetings Act, but a quorum of the members of a public agency may attend a conference sponsored by another entity without triggering the requirements of the Act as long as the members do not discuss the public business of the agency they serve while at the conference.*
- *"Public business" is not defined by statute but has been defined by the courts as "the discussion of the various alternatives to a given issue about which the [agency] has the option to take action."*

- *A quorum of the members of a public agency can attend a social gathering, sporting event, church service, etc. without triggering the requirements of the Open Meetings Act but cannot discuss the public business of the agency they serve while at these gatherings.*
- *Public agencies cannot conduct their meetings by telephone; an absent member may listen to the meeting by speakerphone but cannot be counted toward the quorum and cannot vote or otherwise participate.*

What are the rules governing opening meetings?

The Open Meetings Act requires that all public meetings be held at times and places that are convenient to the public, and that the agency adopt a schedule of its regular meetings and make the schedule available to the public. The agency must record minutes of actions taken at its meetings, and these minutes must be open for public inspection no later than its next meeting. The meeting room must allow effective public observation of the meeting, and the only conditions for attendance are those required for the maintenance of order. The Open Meetings Act does not govern the conduct of meetings and citizen participation. Each agency must adopt its own rules of procedure.

A “special meeting” may be called by the presiding officer or a majority of the members of the public agency. The agency must give written notice consisting of the date, time, and place of the meeting and the agenda. Discussions and actions at the meeting must be limited to the items listed on the agenda. Written notice must be delivered to the members of the agency, and every media organization that has requested advance notice, at least twenty-four hours before the meeting. Notice must also be posted in a conspicuous place in the building where the meeting will take place and the building that houses the agency’s headquarters. If an emergency prevents the agency from following these procedures, it must make a reasonable effort to notify the members of the agency, the media, and the public, and discussions at the emergency meeting must be limited to the emergency for which the meeting was called.

- *The courts have stated that the Open Meetings Act does not require agencies to conduct business “only in the most convenient locations at the most convenient times”; the Act is “designed to prevent governmental bodies from conducting [their] business at such inconvenient times or locations as to effectively render public knowledge or participation impossible, not to require agencies to seek out the most convenient time or location.”*
- *Agencies are not required to take minutes in closed sessions.*

- *If the public agency directs that a tape recording of its meeting be made, and the tape is created with agency equipment at agency expense, the tape of the meeting is a public record upon creation and you are entitled to a copy within three business days of an open records request.*
- *You are entitled to attend a public meeting under the Open Meetings Act but this does not include the right to participate in the meeting and address the members of the agency; it is your statutory right "to observe with your eyes and ears what transpires at those meetings."*
- *Like the media, you must be permitted to record a meeting.*
- *The notice of a special meeting must include the agenda, containing specific agenda topics ("new business," "old business," "open to floor," etc. are not acceptable), in addition to the date, time, and place of the meeting. Because an agenda is not statutorily required for regular meetings, discussions at a regular meeting are not restricted to agenda topics if an agenda is prepared.*
- *Although the public agency can deliver notice of a special meeting by email, or post notice of the special meeting on the agency website, emailed or web notice of the meeting does not satisfy the statutory requirement and must be in addition to, rather than in lieu of, delivery of the notice by U.S. Mail, facsimile, or in person and posting of the notice in a conspicuous place.*
- *The public agency is not obligated to provide notice to "interested" individuals who have requested notice of special meetings, only to the parties identified in the statute.*

What subjects may be discussed in a closed session?

The Open Meetings Act permits a public agency to discuss certain subjects in a closed or executive meeting if notice is given in the regular meeting of the general nature of the business to be discussed, and the agency cites the specific exemption authorizing the closed session. A closed session may be held only after a motion is made and carried in open session, and no final action may be taken in closed session. A videoteleconference cannot be used for a closed session. The exemptions to the Open Meetings Act include:

- (a) Deliberations of the Kentucky Parole Board.
- (b) Deliberations on the future acquisition or sale of real property by a public agency when publicity would be likely to affect the value of the property;

- (c) Discussions of proposed or pending litigation involving a public agency;
- (d) Grand or petit jury sessions;
- (e) Collective bargaining negotiations between public employers and their employees;
- (f) Discussions or hearings that might lead to the appointment, dismissal, or discipline of an individual employee, member, or student. However, general personnel matters may not be discussed in private;
- (g) Discussions between an agency and a representative of a business entity in relation to a specific proposal if open discussion would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) State and local cabinet meetings and executive cabinet meetings;
- (i) Committees of the General Assembly other than standing committees;
- (j) Deliberations of judicial or quasi-judicial bodies involving individual adjudications or appointments. This does not include meetings of planning commissions, zoning commissions, or boards of adjustment;
- (k) and (l) Meetings which federal or state law or the Constitution require to be conducted privately;
- (m) Portions of meetings devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m) (the homeland security exemption).

The Open Meetings Act also prohibits any series of less than quorum meetings, where the members attending one or more of the meetings collectively constitute at least a quorum of the members of the agency, if the meetings are held to avoid the requirements of the Act. This prohibition does not prohibit discussions between individual members if the purpose of the discussion is to educate the members on specific issues.

- *The courts have stated that public agencies must give “specific and complete notification in the open meeting of any and all topics which are to be discussed during the closed meeting;” the Attorney General has stated that “notification must include both a statement of the exception authorizing the closed session and a description of the business to be discussed couched in sufficiently specific terms to enable the public to assess the propriety of the agency’s actions.”*
- *The courts have stated that the exemption for proposed or pending litigation applies to “matters inherent to litigation, such as preparation, strategy, or tactics, but not just when an attorney is present.”*
- *Before going into closed session to discuss a personnel issue under KRS 61.810(1)(f), an agency must state whether the discussion will relate to either the appointment of, the dismissal of, or the discipline of an individual employee, member, or student, but the agency is not required to identify the individual by name.*

What you can do if you believe an agency has violated the Open Meetings Act

If you believe that a public agency has violated the Open Meetings Act, you may challenge the agency’s actions by submitting a written complaint to the presiding officer of the agency. You must state the circumstances of the violation, and what the agency should do to correct it.

Within three business days of receipt of your complaint, the public agency must decide whether to correct the violation and notify you in writing of its decision. If the agency denies the violation and rejects your proposed remedy, it must issue a written response which cites the statute authorizing its actions, and briefly explaining how the statute applies.

You may file an appeal with the Attorney General for review of the agency’s action within sixty days of receipt of the agency’s response. You must include a copy of your written complaint and a copy of the agency’s response, if available. The Attorney General will review your appeal and issue a decision stating whether the agency violated the Open Meetings Act within ten business days. Both you and the agency will receive a copy of the decision. You or the public agency may appeal the Attorney General’s decision to the circuit court of the county where the public agency has its principal place of business or where the violation occurred. If an appeal is not filed within thirty days, the Attorney General’s decision has the force and effect of law, and can be enforced in circuit court.

If you prevail against an agency in circuit court, you may be awarded costs, including attorney fees, if the court finds that the violation was willful. The court may also award you up to \$100 for each violation.

- *You must appeal a public agency's denial of, or failure to respond to, your open meetings complaint within sixty days, and if you do not do so the appeal is time-barred; there is no similar statutory limitation on bringing an open records appeal.*
- *Upon receipt of your open meetings appeal, the Attorney General will issue notification of your appeal, and a copy of the appeal, to the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General. The agency must send you a copy of its response.*
- *The Attorney General will not consider your appeal if it does not include a copy of your written complaint and a copy of the written denial, if the agency issued a denial.*
- *Because the Open Meetings Act provides for judicial review of the issues raised in an appeal, the Attorney General will not reconsider an open meetings decision.*
- *Since 1992, open meetings decisions have been designated OMDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation "Not to be Published" that appears in OMDs issued from 1992 to 1999 does not mean that you cannot cite the OMD or make it public; such OMDs carry the same weight as OMDs designated "To be Published."*
- *The Attorney General's role in an open meetings appeal is to issue a decision stating whether the public agency violated the Open Meetings Act; the Attorney General cannot comment on, or direct the implementation of, proposed remedial measures. Nor can he enforce his decision by imposing penalties.*
- *If you are dissatisfied with an OMD, you may appeal the decision within thirty days; if you do not appeal the decision, the decision has the force and effect of law.*

Sample Forms

Sample open records request

John Smith, City Clerk
Municipal Building
Anytown, Kentucky 40999

Dear Mr. Smith:

I respectfully request the following records:

1. All contracts that the city has with Home Wrecker Service;
2. Any correspondence between the mayor and the Home Wrecker Service since January 1, 1990.

If these documents are temporarily unavailable, please inform me of the earliest date when I may inspect them.

I also request a copy of the contract between the city and Home Wrecker Service dated October 14, 2006. I understand that I will have to pay the actual cost of making this copy.

Thank you for your attention to this request.

Sincerely,

Jane Q. Citizen

Sample open records appeal

Attorney General
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601

Re: Open Records Appeal

Dear Attorney General:

I am appealing the refusal of the city clerk of Anytown, Kentucky, to allow me to inspect records in his possession. A copy of my written request is attached. A copy of the clerk's response denying my request is also attached.

The clerk claims that the records are not open records because they are preliminary recommendations. I do not agree because the records I request to inspect are binding contracts between the city and a wrecker service.

Sincerely,

Jane Q. Citizen

Sample open meetings complaint

William Jones, Mayor
Municipal Building
Anytown, KY 40999

Dear Mr. Jones:

Because you are the presiding officer at city council meetings, I am submitting to you a complaint concerning an action that took place at the city council meeting held on January 30, 2007. At that meeting, the council voted to go into a closed or executive session to discuss general personnel matters

The council cannot legally go into a closed or executive session to discuss general personnel matters.

I am requesting that the council discuss at a future meeting, in an open and public session, those matters that were discussed at the improperly called closed session on January 30, 2007. Any action taken as a result of the improperly called session should be declared null and void.

Sincerely,

John Q. Citizen

Sample open meetings appeal

Attorney General
700 Capital Avenue
Capitol Building, Suite 118
Frankfort, KY 40601

Re: Open Meetings Appeal

Dear Attorney General:

I am appealing the denial of my complaint by the mayor of Anytown, Kentucky, concerning the closing of a council meeting held on January 30, 2007, at which the council discussed general personnel matters. I am enclosing a copy of my complaint to the mayor and a copy of the mayor's denial of my complaint.

The mayor maintains that the session of the council meeting in question may be closed to the public because personnel matters were discussed. In my opinion, the closing of such a session to the public is a violation of KRS 61.810(1)(f).

Sincerely,

John Q. Citizen

Open meetings and open records publications and decisions online and related publications:

An annotated *Open Records and Open Meetings Outline*, containing a summary of the Open Records and Open Meetings Acts and how the Acts have been interpreted by the courts and the Attorney General, may be accessed on our website at <http://ag.ky.gov/civil/outline.htm>, and is also available upon request. This outline provides information regarding the application of the Acts to particular situations.

Open Meetings Decisions and Open Records Decisions (OMDs and ORDs) issued by the Attorney General from 1993 to the present may also be accessed on our website at <http://ag.ky.gov/civil.openrec.htm>. If you know the OMD or ORD number you wish to review, you may locate the OMD or ORD in the chronological "List [of] Open Records and Open Meetings Decisions" link located on the right of the screen. (For example, 04-ORD-216 may be accessed by selecting the year 2004 and scrolling through the decisions for that year until 04-ORD-216 is located). If you wish to review OMDs or ORDs relating to a specific subject, you may search by entering a word search or query (for example, "work sessions," "accident reports," "timely access," or "adequate notice") in the search box that appears at the top of the screen in the right corner. You may also access a particular ORD or OMD by typing the ORD or OMD citation in the search query box.

These additional resources will further enhance the public official's understanding of his or her duties under the Open Meetings and Open Records Acts as well as related records management duties:

1. "Kentucky Open Meetings Open Records Laws: Statutes and Q&A"
<http://www.lrc.ky.gov/Lrcpubs/OpenMtgsRecords.pdf>
2. Local Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/localschedule.htm>
3. State Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/stateschedule.htm>
4. "Managing Government Records: An Introduction to Kentucky's Public Records Management Law"
<http://www.kdla.ky.gov/resources/managinggovrecords.htm>
5. Full text of the Open Meetings and Records Acts
<http://www.lrd.ky.gov/KRS/061-00/CHAPTER.HTM>